

Notice of Allowability

Application No.

09/760,113

Applicant(s)

TOAN ET AL.

Examiner

Rachel L. Porter

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amdt. filed August 9, 2007.
2. ☒ The allowed claim(s) is/are 15 and 17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Emma Harty on Dec. 17, 2007.

The application has been amended as follows:

- Please cancel claims 1-14 and 16.

[claim 15] **(Currently Amended)** A computer-implemented method for using a computer apparatus for evaluating a plurality of plan design options that can be incorporated into a benefit plan offered to a given participant population by comparing the cost of providing each option to the benefits of each option perceived by a group of one or more subjects, the method comprising the steps of:

- inputting the identification of the plan design options, values for each of a plurality of statistical factors related to each plan design option, and the cost of providing each option into the computer apparatus,
- providing the subject group with information about each statistical factor and inquiries to elicit responses providing the relative weight of each statistical factor to

- be used in determining the perceived benefit of the plan design options, wherein the subject group is comprised of members of the participant population;
- inputting data representative of the subject group responses;
 - calculating the average perceived benefit for each plan design option,
 - wherein each subject's perceived benefit for each plan design option comprises the sum of the product of the relative weight accorded each statistical factor as defined by the subject's responses multiplied by the value of such statistical factor.
 - dividing the cost of providing each option by the calculated average perceived benefit for such option; and
 - outputting the calculated data.

16. CANCELLED

17. (Original) The method of claim 15 further comprising the step of inputting the identification of a reference plan design option; and wherein the average perceived benefit for each plan design option is determined by comparing values of the statistical factors relating to such plan design option to the values of the statistical factors relating to the reference plan design option.

Allowable Subject Matter

2. Claims 15 and 17 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The closest prior art of record, Hyman, fails to disclose a method of determining the perceived benefit of design plan options comprising the steps of: providing the subject group with information about each statistical factor and inquiries to elicit responses providing the relative weight of each statistical factor to be used in determining the perceived benefit of the plan design options, wherein the subject group is comprised of members of the participant population; and calculating the average perceived benefit for each plan design option, wherein each subject's perceived benefit for each plan design option comprises the sum of the product of the relative weight accorded each statistical factor as defined by the subject's responses multiplied by the value of such statistical factor.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure
 - "Internet Access" discloses Internet-based system which allows users to select 401(k) preferences.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachel L. Porter whose telephone number is (571) 272-6775. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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C. LUKE GILLIGAN
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